

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMPLOYEE PAINTERS' TRUST, et al.,

Plaintiffs,

v.

LORN COATINGS LLC, a Washington
Limited Liability Company; CHONA J.
LORN, an individual; and THAVY LORN,
an individual,

Defendants.

CASE NO. 2:23-cv-00022-TL

ORDER

This matter comes before the Court *sua sponte*. On March 23, 2023, the Clerk entered default as to all Defendants. Dkt. No. 12. On May 18, Plaintiffs filed the pending Motion for Default Judgment. Dkt. No. 14. However, on June 23, counsel for Defendant Lorn Coatings LLC filed a notice of appearance in this matter. Dkt. No. 17. No appearances have been filed on behalf of Defendants Chona J. Lorn or Thavy Lorn.¹ Further, on June 30, Defendants filed their

¹ Defendant Chona Lorn registered to electronically file and receive electronic service in this case on February 2, 2023, and was directed to enter an appearance in accordance with Local Civil Rule 83.2. Dkt. No. 9.

1 Answer. Dkt. No. 19. While the Answer was titled “Defendants’ Answer to Complaint [Dkt.1],”
 2 the signature block only references Defendant Lorn Coatings LLC. *See* Dkt. No. 19 at 1, 9.

3 “Entry of default cuts off a defendant's right to appear in the action or to present a
 4 defense.” *Gordy v. Cnty. of Los Angeles*, No. C21-7091, 2022 WL 3127853, at *3 (C.D. Cal.
 5 Mar. 22, 2022) (citing *MKay, Inc. v. City of Huntington Park*, No. C17-1467, 2017 WL
 6 10574460, at *3 (C.D. Cal. Aug. 21, 2017)); *accord* Karen L. Stevenson & James E. Fitzgerald,
 7 Rutter Group Practice Guide: Federal Civil Procedure Before Trial (California and Ninth Circuit
 8 Edition) ¶ 6.42 (2023) (“Entry of a defendant's default cuts off defendant's right to appear in the
 9 action or to present evidence.” (citing *Clifton v. Tomb*, 21 F.2d 893, 897 (4th Cir. 1927))). “A
 10 defendant’s remedy if a defendant wants to set aside default and defend an action . . . is for the
 11 defendant to file a motion to set aside entry of default pursuant to Rule 55(c) of the Federal Rules
 12 of Civil Procedure.” *MKay, Inc.*, 2017 WL 10574460, at *3 (quoting *Great Am. Ins. Co. v. M.J.*
 13 *Menefee Const., Inc.*, No. C06-0392, 2006 WL 2522408, at *2 (E.D. Cal. Aug. 29, 2006)).

14 Accordingly, Defendant Lorn Coatings LLC’s notice of appearance (Dkt. No. 17) and
 15 Defendants’ Answer (Dkt. No. 19) are STRICKEN. Should any defendant wish to file a motion to
 16 set aside entry of default, the motion SHALL be filed by **August 4, 2023**, and SHALL clearly state
 17 in the body of the motion on which defendant(s) the motion is filed. Plaintiffs’ Motion for
 18 Default Judgment (Dkt. No. 14) SHALL be re-noted for **August 4, 2023**.

19 Dated this 6th day of July 2023.

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 21 _____
 22 Tana Lin
 23 United States District Judge
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